

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

NOV 21 2008

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

V.

RITA MARIE LAVELLE,

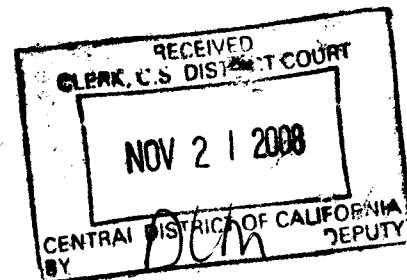
Defendant - Appellant.

No. 06-50208

D.C. No. CR-04-00374-SJO

Central District of California, Los  
Angeles

MANDATE



The judgment of this Court, entered 10/21/08, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

By: Rhonda Roberts  
Deputy Clerk

FILED

OCT 21 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RITA MARIE LAVELLE,

Defendant - Appellant.

No. 06-50208

D.C. No. CR-04-00374-SJO

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

Submitted October 16, 2008\*\*

Before: LEAVY, RYMER and THOMAS, Circuit Judges.

Rita Marie Lavelle appeals from the district court's order, following a limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Cir. 2005) (en banc), determining that it would not have imposed a materially different sentence had it known that the United States Sentencing Guidelines were advisory. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Lavelle contends that the district court erred by failing to conduct an analysis of the 18 U.S.C. § 3553(a) factors and by providing an insufficient record for appellate review. Where, as here, a district court determines that the sentence it originally imposed would not have been materially different under an advisory Guidelines system, our review is confined to determining whether the judge “properly understood the full scope of his discretion in a post-*Booker* world.” *United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006). The record shows the district court properly took into account the non-mandatory nature of the Guidelines and understood the full scope of its discretion. *See id.*

Lavelle’s request to file supplemental briefing is denied.

**AFFIRMED.**